

REMARKS

Claims 1-8 are pending in the present application. Claims 1-6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Georges in view of Admitted Prior Art. Claim 7 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges in view of Hellmuth et al., U.S. Patent No. 5,795,295, and Admitted Prior Art.

Claims 6-8 have been amended. Reconsideration of the application is respectfully requested.

Summary of Examiner interview

Applicant thanks the Examiner for the telephonic interview held on August 4, 2004 between the Examiner and applicant's attorney, Erik Swanson. The Examiner and applicant's attorney reached agreement that the Admitted Prior Art (Fig. 3 of the present application) does not teach the "abutment surface includes an undercut portion and contacts, above the undercut portion, the specimen slide in a region below an upper edge of the specimen slide and higher than a point of contact of the spring element with the specimen slide", as recited in independent claims 1, 6, 7 and 8. The Examiner and applicant's attorney also reached agreement that Georges does not teach a spring element pressing the specimen slide against the abutment surface, which has an undercut portion, as recited in independent claims 1, 6, 7 and 8.

Amendment to the claims

Claims 6-8 have been amended to correct errors in the claims. It is respectfully submitted that no new matter has been added.

Rejection under 35 U.S.C. §103(a) to claims 1-6 and 8

Claims 1-6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Georges in view of Admitted Prior Art.

Independent claims 1, 6 and 8 of the present application recite that the "abutment surface includes an undercut portion and contacts, above the undercut portion, the specimen slide in a region below an upper edge of the specimen slide and higher than a point of contact

of the spring element with the specimen slide.” As agreed upon during the telephonic interview summarized above, Admitted Prior Art (Fig. 3 of the present application) does not teach these features of claims 1, 6 and 8. Nor does Georges teach these features, as indicated by the Examiner in the outstanding Office Action at page 6, lines 3-6.

Moreover, independent claims 1, 6 and 8 of the present application recite a “spring element” presses the specimen slide against the abutment surface, which “includes an undercut portion”. As agreed upon during the above telephonic interview, Georges does not teach these features of claims 1, 6 and 8. Nor does Admitted Prior Art (Fig. 3 of the present application) teach these features, as indicated by the Examiner in the outstanding Office Action at page 6, lines 7-10.

Therefore a combination of Georges and Admitted Prior Art would not produce the claimed invention.

Withdrawal of the rejection of independent claims 1, 6 and 8, as well as dependent claims 2-5, under 35 U.S.C. §103(a) based on Georges in view of Admitted Prior Art, is respectfully requested.

Rejection under 35 U.S.C. §103(a) to claim 7

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Georges in view of Hellmuth et al., U.S. Patent No. 5,795,295, and Admitted Prior Art.

Claim 7 of the present application recites the claimed features missing from Georges and Admitted Prior Art, discussed above relative to the rejection of claims 1-6 and 8. Hellmuth et al. also does not teach the missing claimed features. Claim 7 is therefore patentable over a combination of Georges, Hellmuth et al. Admitted Prior Art, for the same reasons that claims 1-6 and 8 are patentable over a combination of Georges and Admitted Prior Art.

Withdrawal of the rejection of claim 7 under 35 U.S.C. §103(a) based on Georges in view of Hellmuth et al. and Admitted Prior Art is respectfully requested.

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CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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